

REMARKS

The Office Action dated October 31, 2007, has been received and carefully considered. Claims 2 and 4-20 are pending in the application. Claims 2 and 4-20 are rejected. Claims 1 and 3 are cancelled without prejudice or disclaimer. Claims 2, 4, 6, 7, 10, 13, 14, 17, and 20 are amended. Claim 4 is rewritten in independent form, thus claim 4 is amended to incorporate the limitations of claim 1 and 3, the parent claims. Claims 17 and 20 are amended to include similar limitations as recited in amended claim 4. Claims 2, 7, 10, 13, and 14 are amended to change claim dependency due to the amendments to claim 4 and the cancellation of claims 1 and 3. Claim estoppel should not apply to claims 2, 4, 7, 10, 13, 17, and 20 since these claims are amended to incorporate the parent claims or to change the claim dependency. Claim 6 is amended to address an antecedent issue. No new matter has been added. Reconsideration of the outstanding rejections is respectfully requested.

A. Rejection of Claim 6 under 35 U.S.C. 112, 2nd Paragraph

The Office Action rejects claim 6 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action recites that “Claim 6 recites the limitation ‘the user’ in line 2. There is insufficient antecedent basis for these limitations in the claim.” *Office Action*, p. 2. Claim 6 is amended to provide proper antecedent basis for the term “user.” Withdrawal of the rejection of claim 6 is requested.

B. Claims 2, 4, 6-8, 10-14, & 17-20 Rejected under 35 U.S.C. 102(b)

Claims 2, 4, 6-8, 10-14, and 17-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Leadtrack.com (“Leadtrack”). This rejection is traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. As stated in MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Leadtrack does not disclose “A method for presenting sales lead information to a sales agent using the internet, the method comprising: inputting sales leads, having sales lead information, into a sales lead system, the sales lead system identifying an assigned sales agent to

work the lead; transmitting the lead information to a web based lead system, which is associated with the assigned agent; accessing the lead information, by the assigned sales agent, by accessing the web based lead system; and presenting the lead information, along with a plurality of other lead information respectively associated with a plurality of other leads, to the assigned sales agent using an agent processor by transmitting the lead information from the web based lead system to the agent processor, the lead information including dispositioning information, agent note information and source of sale information, wherein the plurality of other leads is presented to the assigned agent in a segregated manner based on attributes of each respective plurality of leads" as recited in amended claim 4. (Emphasis added).

The Office Action asserts that Leadtrack discloses the limitations of amended claim 4 (which includes the limitations of claims 1 and 3). Specifically, the Office Action recites page 1 of Leadtrack "The left hand column entitled 'Company' provides a list of a plurality of leads which are segregated based on the attribute of the company name." *Office Action*, p. 4. Page 1 of Leadtrack lists five companies/leads: American Cable Co., Robicon, Inc., Massa Products, Chicago Salvage, and ACME Plumbing Drill... The leads on Page 1 of Leadtrack are a list of leads with no segregation. Specifically, the displayed list of leads in Leadtrack are not segregated in a "manner based on attributes of each respective plurality of leads" - they are simply a list of leads. Thus, the Leadtrack does not disclose each and every element of claim 4.

As a result, the Office Action fails to present a *prima facie* case of anticipation since Leadtrack fails to disclose each and every element of claim 4. For at least these reasons, independent claim 4, as well as dependent claims 2 and 5-16, are patentable over the applied art. Since independent claims 17 and 20 contain similar limitations as recited in claim 4, these claims are patentable over the applied art as well. Since claims 18 and 19 depend on allowable claim 17, claims 18 and 19 are patentable as well.

Regarding claim 10, Leadtrack does not disclose a method including "accessing the lead information, by a sales management person, the sales management person monitoring working of the lead by the assigned agent" as recited in claim 10 of the present application. The Office Action asserts that "Pg. 7; para. 2 provides for use of 'LEADtrack Plus' by sales departments. Sales management persons are inherently included in a sales department." *Office Action*, p. 4. The undersigned representative admits that sales management persons may be included in a sales department. However, Leadtrack does not disclose that the sales management person can access

the lead information for “monitoring working of the lead by the assigned person” as recited in claim 10. The cited section simply recites that Leadtrack can be used by a sales department and fails to disclose who can access Leadtrack. Accessing a lead assigned to another for monitoring progress is not disclosed by Leadtrack. Thus, the Leadtrack does not disclose each and every element of claim 10.

Regarding claim 11, Leadtrack does not disclose “wherein new lead information entered by the assigned agent is output for viewing by the sales management person in real time” as recited in claim 11 of the present application. The Office Action asserts “Pg. 8; para. 1 provides for access remotely over in the Internet through automatic downloads and uploads of sales leads across territories (real time viewing in regional offices.” *Office Action*, p. 4. Paragraph 1 on page 8 of Leadtrack recites “LEADtrack Remote, our single-user sales contact management companion to LEADtrack Plus, provides for automatic download/upload of sales leads across territories via the Internet. Moreover, it handles full record-level synchronization between the contact manager and the corporate LEADtrack Plus location so that only the most recent changes are ‘intelligently’ identified and transferred.” Since Leadtrack discloses the use of synchronization, it implies that the entered information is not available until the synchronization occurs. Due to the synchronization, the entered information is not available for “viewing by the sales management person in real time.” Thus, Leadtrack does not disclose each and every element of claim 11.

Since claim 19 includes similar limitation as recited in claims 10 and 11, the same arguments recited above with respect to claims 10 and 11 also apply to claim 19. Withdrawal of the rejection of claims 2, 4, 6-8, 10-14, and 17-20 is requested.

C. Claims 5 & 9 Rejected under 35 U.S.C. 103(a)

Claims 5 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Leadtrack in view of U.S. Patent 5,930,764 to Melchione et al. (“Melchione”). Since claims 5 and 9 are dependent on allowable independent claim 4, and since Melchione does not cure the deficiencies of Leadtrack with respect to claim 4, dependent claims 5 and 9 are allowable as well. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claim 5 and 9 is requested.

D. Rejection of Claims 15 & 16 under 35 U.S.C. 103(a)

Claims 15 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Leadtrack in view of U.S. Publication 2003/0229504 to Hollister (“Hollister”). Since claims 15 and 16 are dependent on allowable independent claim 4, respectively, and since Hollister does not cure the deficiencies of Leadtrack with respect to claim 4, dependent claims 15 and 16 are allowable as well. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 15 and 16 is requested.

E. Provisional Double Patenting Rejection

Claims 2 and 4-20 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of Application No. 10/602,592, claims 1-20 of Application No. 10/602,593, claims 1-25 of Application No. 10/602,707 and claims 1-29 of Application No. 10/602,923,

The undersigned representative acknowledges this rejection and will submit a terminal disclaimer when the present claims are in condition for allowance, if deemed necessary at that time.

CONCLUSION

The foregoing is submitted as a full and complete Response to the Non-final Office Action mailed October 31, 2007, and early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or if there are any other issues which may be resolved by telephone interview, a telephone call to the undersigned attorney at (703)714-7448 is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0206, and please credit any excess fees to such deposit account.

Respectfully submitted,

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